

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMS GROUP, Donald Greaves, Saint  
Clair Jackson,

Plaintiffs,

- against -

Civil Action No.:  
07 CIV 6988 (LTS)

**NOTICE OF MOTION**

JP MORGAN CHASE,

(Electronically Filed)

Defendant.

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affirmation of Cynthia Boyer Okrent, dated April 1, 2008, the exhibits annexed thereto, and the accompanying Memorandum of Law in support of this motion, and the pleadings herein, defendant, by its attorneys Cullen and Dykman LLP, will move this Court before the Honorable Laura T. Swain, United States District Judge, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the action because the complaint fails to state a claim against defendant upon which relief can be granted, and for such other and further relief as may be just and proper, plus the costs of this motion;

PLEASE TAKE FURTHER NOTICE that defendant hereby requests oral argument; and

PLEASE TAKE FURTHER NOTICE that the undersigned hereby certifies that the following efforts have been made to informally resolve the matters raised in this submission:

- (a) By letter dated March 21, 2008 to plaintiffs' counsel, the undersigned requested that plaintiffs consider discontinuing the action on the same grounds raised in defendant's submission; and
- (b) When no response was received, the undersigned called plaintiffs' counsel

on March 31, 2008 and discussed this matter briefly. Plaintiffs' counsel indicated that he would call the undersigned back later that day to discuss this matter further. To date, plaintiffs' counsel has not contacted the undersigned.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: April 1, 2008  
New York, New York

Cullen and Dykman LLP  
Attorneys for Defendant  
JPMorgan Chase Bank, N.A.  
s/h/a JP Morgan Chase

By: \_\_\_\_\_/s/\_\_\_\_\_  
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